

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION**

JAMES CHATMAN,

Plaintiff,

v.

INDIANA HARBOR BELT RAILROAD
COMPANY, RENZENBERGER, INC.,
GILBERTO IBARRA, an individual, and
ALYSHA GUY, an individual,

Defendants.

CAUSE NO.: 2:20-CV-409-TLS-JEM

RENZENBERGER, INC. and INDIANA
HARBOR BELT RAILROAD COMPANY,

Cross-Claimants,

v.

ALYSHA GUY, an individual, and
GILBERTO IBARRA, an individual,

Cross-Defendants.

OPINION AND ORDER

This matter is before the Court on a Stipulation for Partial Dismissal [ECF No. 27], filed on March 10, 2022. Therein, the parties seek to “dismiss with prejudice Defendant, Alysha Guy, only, from this cause of action” because all claims against her “have been amicably adjusted by the parties.” Although not specified, as every party who has appeared signed the Stipulation, it appears to fall under Federal Rule of Civil Procedure 41(a)(1)(A)(ii).

However, the Seventh Circuit Court of Appeals has held that the proper procedure for dismissal of individual parties or claims is by the amendment of pleadings under Federal Rule of

Civil Procedure 15(a) and not by dismissal under Federal Rule of Civil Procedure 41(a). *Taylor v. Brown*, 787 F.3d 851, 857–58, 858 n.9 (7th Cir. 2015) (explaining that “Rule 15(a) allows a plaintiff to amend his complaint—including by adding or dropping parties and claims—as a matter of right in some situations and by court order in others” and reminding district court to use Rule 15(a) rather than Rule 41(a) for dismissal of individual claims); *see also* 6 Fed. Prac. & Proc. Civ. § 1479 (3d ed.).

Accordingly, the Court STRIKES the Stipulation for Partial Dismissal [ECF No. 27]. Pursuant to Federal Rule of Civil Procedure 15(a)(2), the Court GRANTS the Plaintiff leave to file, on or before March 25, 2022, an amended complaint to drop Alysha Guy as a Defendant. Additionally, although the filing only references Alysha Guy as a Defendant, should the parties also wish to dismiss Alysha Guy as a Cross-Defendant, the Court GRANTS leave to file an amended crossclaim on or before March 25, 2022.

SO ORDERED on March 14, 2022.

s/ Theresa L. Springmann
JUDGE THERESA L. SPRINGMANN
UNITED STATES DISTRICT COURT